

REMARKS

Applicants have prepared and enclose a Terminal Disclaimer in compliance with 37 CFR 1.32(c) to overcome the double patenting rejection.

Claims 25, 28 and 29, as originally presented, were held to be allowable if rewritten. Claims 1-31 are cancelled without prejudice. Claims 32-40 are added in lieu thereof. Claims 32, 33 and 34 are the rewritten previously held allowable claims. Independent claim 32 is a redraft of the allowable subject matter in claim 25. Independent claim 33 is a redraft of the allowable subject matter in claim 28. Claim 34 is a redraft of the allowable subject matter in claim 29. Claims 35-40 were added to round out the coverage

Independent claim 40 claims a flexible rare metal ring in an open end condom rib. Paturu is directed to a magnet ring adjacent the closed end. Paturu (a) teaches away from open end magnetic material, (b) teaches away from flexible magnet ring-in-rib construction and (c) is silent on rare earth metals. Polymag, Inc. merely produces rare earth magnets. The alleged combination of Paturu with Polymag, Inc. fails to provide the teachings of claim 40, and disregards the Paturu teachings away from the key limitation of claim 40.

Query: Where is the prior art suggestion to provide a flexible rare earth metal ring in an open end condom rib: Paturu teaches away from this suggestion, and Polymag is far removed.

Claims 32 - 40 are in form for allowance. An early allowance is respectfully requested.

Respectfully submitted,

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Enclosure: Terminal Disclaimer and Fee